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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jane Doe,

Plaintiff,

v.

Case No. 06-12493

Tecumseh Public Schools, Richard Fauble,
Linda Hutchinson, James Gilmore,
Matthew Peterson, Rachel Peterson,

Honorable Sean F. Cox

Defendants.

ORDER



Plaintiff filed this action on June 5, 2006. As indicated in the complaint, one of the Defendants, Matthew Peterson, is currently incarcerated. The docket reflects that a Certificate of Service has been filed, indicating that Mr. Peterson was personally served with the summons and complaint. To date, however, Mr. Peterson has not filed an answer to the complaint.

On November 21, 2006, a Clerk's Entry of Default was filed as to Mr. Peterson. On January 31, 2007, Plaintiff filed a motion seeking a default judgment against Mr. Peterson. That motion is currently scheduled to be heard on March 22, 2007.

On February 23, 2007, the Court received a letter from Mr. Peterson, indicating that he would like to defend himself in this action but that he has not done so to date because he believes that such action is prohibited by a ruling made by a state court judge.

The Court directs the parties to 28 U.S.C. §1654. Thus, Plaintiff may represent himself in this matter if he chooses to do so.

The United States Court of Appeals for the Sixth Circuit has instructed that *pro se* filings

are to be construed liberally. *Owens v. Keeling*, 461 F.3d 763, 776 (6th Cir. 2006). The Court construes Mr. Peterson's *pro se* submission as a Motion to Set Aside the Clerk's Entry of Default, so that he can then file an answer to Plaintiff's complaint and defend himself in this action.

Accordingly, **IT IS ORDERED** that Plaintiff may file a response to Mr. Peterson's Motion to Set Aside the Clerk's Entry of Default no later than March 16, 2007.

IT IS FURTHER ORDERED that Mr. Peterson may file a reply no later than 21 days following actual receipt of Plaintiff's Response Brief by Mr. Peterson.

IT IS FURTHER ORDERED that the March 22, 2007 hearing on Plaintiff's Motion for Default Judgment is **ADJOURNED**, pending resolution of Mr. Peterson's Motion to Set Aside Clerk's Entry of Default.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 1, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 1, 2007, by electronic means and by U. S. Mail upon:

Matthew Peterson (601048)
Florence Cranc Correctional Facility
38 Fourth Street
Coldwater, MI 49036

s/J. Hernandez

Case Manager